

## Leeds Children's Services Transport Policy December 2013

### 1. Introduction

- 1.1 The policy set out in this document applies to all new applications for assistance with transport for all children and young people, received on or after the 1<sup>st</sup> December 2013. It also defines the **transitional arrangements** agreed by Leeds City Council ("the Council") for those who qualified for support with transport funded by the Council under previous policies.
- 1.2 In particular this policy sets out the circumstances in which support with transport will be provided from a **permanent home address** to a **qualifying school or college of further education** for children and young people who are permanently resident within the boundary of the administrative area of Leeds.
- 1.3 This policy also covers all other circumstances in which support with transport will be provided including support for **looked after children**.
- 1.4 The type of transport or assistance provided to school or college will be determined following assessment by the Council as to what best meets the needs of the child or young person; provides value for money, and is as sustainable as possible. Eligibility may be reviewed for all children and young people on an annual basis. The Council also reserves the right to withdraw the provision of any transport support, either for a temporary period, or permanently for serious or persistent cases of misbehaviour.
- 1.5 Section 508c of the Education Act 1996 ("the Act") provides local authorities with powers to provide **discretionary funding** for those children who are not eligible children under the Act. The Council will consider support on a discretionary basis in exceptional circumstances.

## 2 Definitions

For ease of reference a term that is defined below is highlighted in bold type elsewhere

Term	Definition
Carer	This means a person named by the Council to care for a child for whom it has parental responsibility. The carer, where appropriate, may have a role in the consideration of a child's special educational needs.
College of further education	This means the nearest government funded college of further education and relates in this policy, either to provision for students with a recognised <b>learning difficulty or disability</b> aged sixteen to nineteen only, or to those students covered by the transitional arrangements (up to the age of twenty-five). It does not apply to children of <b>compulsory school age</b> who attend a college of further education.
Compulsory school age	A child becomes of compulsory school age when he or she reaches the age of five and must start school in the term following his or her fifth birthday. It ceases on the last Friday in June in the school year in which the child reaches the age of sixteen.
Discretionary funding	This means support with funding that the Council does not have to provide by law.
Eligible children	Children aged from five to eight years who live beyond the <b>statutory walking distance</b> and attend the <b>nearest qualifying school</b> to their <b>permanent home address</b> .
	Children aged from eight to sixteen years who live beyond the <b>statutory walking distance</b> and attend the nearest <b>qualifying school</b> to their permanent home address.
	Children who are eight but who are not eleven from <b>low income families</b> , and attend the nearest qualifying school to their permanent home address, and live more than two miles away.
	Children aged eleven up to sixteen years from low income families who: <ul style="list-style-type: none"> <li>attend one of the three nearest qualifying schools, if it is more than two miles but not more than six miles from their permanent home address</li> <li>attend a particular faith school over two miles but under fifteen miles from their <b>permanent home address</b> on the grounds of their parent's <b>religion or belief</b> and, having regard to that religion or belief, there is no nearer qualifying school.</li> </ul>
	Children living within the statutory walking distance but, because of their special educational needs, disability or mobility problems, cannot reasonably be expected to walk to school and no suitable arrangements have been made to enable them to attend a nearer qualifying school.
	Children living within the statutory walking distance but cannot reasonably be expected to walk to school, even when accompanied, because of the nature of the route.
Learning difficulty or disability	Children or young people up to the age of nineteen who have a significantly greater difficulty in learning than the majority of children of the same age or who have a disability which prevents or hinders them from making use of educational

Term	Definition
	<p>facilities of a kind generally provided for children of the same age in schools or colleges.</p> <p>Note: during the transitional arrangements this definition will apply to young people up to the age of twenty-five.</p>
Looked after children	Children who are in the care of Leeds City Council
Low income families	Where children are entitled to free school meals or their <b>parents</b> receive their maximum level of Working Tax Credit.
Nearest available walking route	<p>This is the shortest route along which a child, accompanied as necessary, may walk with reasonable safety.</p> <p>This is measured according to the <b>nearest available walking route</b>:</p> <ul style="list-style-type: none"> <li>• up to two miles for children aged under eight</li> <li>• up to three miles for children aged eight to sixteen</li> </ul> <p>These distances are sometimes referred to as 'statutory walking distances'. This may include a route that involves use of footpaths, bridleways, and other pathways, as well as recognized roads. A route will be viewed as 'available' even if the child would need to be accompanied along it by his or her parent, as long as such accompaniment is reasonably practicable from a road safety perspective.</p>
Nearest qualifying school	This means the school with places available that provides education appropriate to the age, ability and aptitude of the child and any special educational needs that the child may have.
Parent or parents	The mother and/or father of the child, or any person who is not the parent but who has parental responsibility.
Permanent home address	<p>The address where the child usually lives with their <b>parent</b></p> <p>See note 2 – appendix 1 for further detail</p>
Qualified medical practitioner	A doctor or other NHS recognised medical practitioner
Qualifying school	<p>This means the nearest government funded school with places available that provides education appropriate to the age, ability and aptitude of the child, and any special educational needs that the child may have. It includes the following:</p> <ul style="list-style-type: none"> <li>• community, foundation or voluntary schools</li> <li>• community or foundation special schools</li> <li>• non-maintained special schools</li> <li>• pupil referral units</li> <li>• city technology colleges (CTC), city colleges for the technology of the arts (CCTA)</li> <li>• academies</li> <li>• free schools</li> </ul>
Religion and belief	<p>This includes those religions widely recognised in this country such as Baha'is, Buddhism, Christianity, Hinduism, Islam, Jains, Judaism, Rastafarianism, Sikhism and Zoroastrians.</p> <p>Denominations or sects within a religion can be considered as a religion or religious belief, such as Catholicism or Protestantism within Christianity. The limitation on what constitutes a 'religion' is that it must have a clear structure and belief. Belief includes any religious or philosophical belief and includes Humanism and Atheism. Belief also includes a lack of religion or belief.</p> <p>See note 4 – appendix 1 for further detail</p>

<b>Term</b>	<b>Definition</b>
Statement of special educational needs (SEN)	This means children of compulsory school age who have a learning difficulty that calls for special educational provision to be made for them at a school named by the Council in a statement.
Statutory funding	This means funding for transport that must be provided by the Council as outlined in the Education Act 1996 (as amended by the Education and Inspection Act 2006).
Statutory walking distance	See 'nearest available walking route'
Temporary medical condition	This includes conditions such as a broken leg that may impede normal independent travel to school, but which does not prevent the child from benefitting from education.
Transitional arrangements	This means the period of protection for the existing recipients of funding for transport provided by the Council. The transitional period runs from 1 <sup>st</sup> September 2013 to 31 <sup>st</sup> August 2015.

Please note: this table of definitions will be edited annually to reflect current eligibility.

### 3. Statutory funding – assistance with transport for eligible children of compulsory school age

- 3.1 Assistance with transport, paid for by the Council, will be provided for **eligible children of compulsory school age** who meet one or more of the **statutory funding** criteria outlined below.
- 3.2 Children under the age of eight who travel:
- (a) two miles or more from their **permanent home address** to their **nearest qualifying school**, measured according to the **nearest available walking route**;
  - (b) less than two miles from their permanent home address to their nearest **qualifying school**, where the nature of the nearest available route is such that the child cannot reasonably be expected to walk in reasonable safety.
- 3.3 Children aged eight up to sixteen years who travel:
- (a) three miles or more from their permanent home address to their nearest qualifying school, measured according to the nearest available walking route
  - (b) less than three miles from their permanent home address to their nearest qualifying school, where the nature of the nearest available route is such that the child cannot reasonably be expected to walk in reasonable safety.
- 3.4 Children who are eight but who are not eleven who qualify on the grounds of **low income** and travel more than two miles to their nearest qualifying school.
- 3.5 Children aged eleven to sixteen years who qualify on the grounds of low income:
- (a) if they attend a qualifying school that is more than two miles, but not more than six miles from their permanent home address (as long as there are not three or more nearer suitable qualifying schools); or
  - (b) if they attend the nearest qualifying school if that school is more than two miles, but not more than fifteen miles from the permanent home address, because their parent has expressed a wish for their child to be educated at that particular school on the basis of **religion or belief**.

#### **4 Transitional arrangements - discretionary funding for children of compulsory school age - 1<sup>st</sup> September 2013 to 31<sup>st</sup> August 2015 (“the transitional period”)**

4.1 During the transitional period **discretionary funding** will continue to be provided by the Council to children of compulsory school age, who currently receive discretionary funding granted under the Council’s previous transport policies. This includes children who:

- (a) attend a qualifying faith school, or single sex school on the basis of their parent’s religion or belief
- (b) attend a previously designated single sex school; or
- (c) attend a qualifying school, other than the one nearest to their permanent home address, that is more than the statutory walking distance, up to a maximum of fifteen miles, because the relevant admissions authority was unable to provide a place at a school within the statutory walking distance.

<b>Please note: section 4 will be removed from the policy on 1<sup>st</sup> September 2015</b>
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## **5 Assistance for children of compulsory school age with a statement of special educational needs (SEN)**

- 5.1 Assistance with transport will be provided to children who live less than the **statutory walking distance** from school if:
- (a) he or she is the subject of a statement of **statement of special educational needs (SEN)**;
  - (b) the support is specified in the statement, and
  - (c) the child is attending the nearest qualifying school as named in the statement.
- 5.2 Where a parent requests that a child should attend a school other than the nearest qualifying school named in the statement, assistance will be provided on the express condition that the parent agrees to pay any additional costs incurred by the Council as a consequence of that request. Those additional costs will be calculated on the basis of the additional mileage incurred.

## 6 Assistance on medical grounds

6.1 Children who attend a qualifying school, that is within the statutory walking distance for their age, and have a disability, mobility problem, a congenital or permanent medical condition (for example arthritis or cystic fibrosis), which means they cannot reasonably be expected to walk to school, will be provided with support if:

- (a) they are not already the subject of a statement of SEN;
- (b) they are able to avail themselves of all or most of the education available in school;
- (c) their application is supported by written information from a **qualified medical practitioner**, and
- (d) the parent is unable to provide their own transport.

6.2 Children who suffer a **temporary medical condition** will be provided with assistance if:

- (a) they are able to avail themselves of all or most of the education available in school;
- (b) their application is supported by a written report from a qualified medical practitioner giving details of the temporary medical condition and how long it is likely to last;
- (c) the school provides written details of their timetable commitments, and
- (d) the parent is unable to provide their own transport.

## **7 Assistance for children whose parents have a disability**

7.1 The parents of children of primary school age, who are disabled and, as a result of the incapacity are unable to accompany their child on the walking route to their nearest qualifying school, may apply to Children's Services for assistance. The following conditions apply:

- (a) any application must be supported by a written report from a qualified medical practitioner;
- (b) assistance may involve the provision of an escort or guide who will accompany the child on the journey to school in order for the walking route to be considered safe;
- (c) only in very exceptional circumstances will this assistance extend to the provision of door to door transport;
- (d) all such arrangements will be reviewed on a half-termly basis and transport assistance will be withdrawn in the event that the incapacity has ended.

## **8 Full-time post sixteen students with a recognised learning difficulty or disability who attend a qualifying school or college of further education**

- 8.1 Full time post sixteen students with a recognised **learning difficulty or disability** will continue to receive assistance under the terms of the previous policy until 31<sup>st</sup> August 2014.
- 8.2 This means a student aged sixteen to nineteen with a recognised learning difficulty or disability who undertakes at least twelve hours guided learning per week at a qualifying school or **college of further education**
- 8.3 From 1<sup>st</sup> September 2014 a new section will be introduced to this policy for full time post sixteen students with a recognised learning difficulty or disability. This will take into account the provisions of the Children and Families Bill due to be enacted in 2013 and implemented in 2014.

**9 Transitional arrangements - full-time post sixteen students who attend a qualifying school or college of further education - 1<sup>st</sup> September 2013 to 31<sup>st</sup> August 2015 (“the transitional period”)**

- 9.1 This section will apply during the transitional period in respect of full-time post sixteen students, up to age nineteen, who attend a qualifying school or college of further education and currently receive support with home to school, or home to college, travel costs granted under the Council’s previous transport policies.
- 9.2 Assistance will be provided until the end of their current studies, or 31<sup>st</sup> August 2015, whichever is sooner.
- 9.3 The maximum level of assistance with transport costs in cases of attendance at colleges outside West Yorkshire and the Metro operating area will be limited to the notional equivalent cost to the Council of providing that student with a Zero Fare School Pass.

**Please note: section 9 will be removed from the policy on 1<sup>st</sup> September 2015**

## 10 Assistance for looked after children who are in the care of the Council

- 10.1 The majority of **looked after children** will attend a local school, particularly when a placement is identified as the child or young person's long term placement, or is expected to last for more than a six month period. This enables a child or young person to access local facilities, build social relationships with their peers and participate in local activities.
- 10.2 The aim of this policy is to establish stable yet flexible transport arrangements that meet the needs of looked after children, and ensures that these arrangements are non-intrusive and do not set the child apart from other children. This will be undertaken by using the same arrangements as would be made for any child in Leeds.
- 10.3 A looked after child of primary school age will normally be escorted to school by a **carer**, whether this is on foot; using public transport, or the carer using their own transport. Possible exceptions to this would be for foster carers who have a number of children in placement that attend different schools. Currently foster care allowances include an allocation for transport, and so additional financial assistance will only be provided when transport costs are in excess of this amount.
- 10.4 The Council has a responsibility to promote appropriate independence skills. This is particularly so for looked after children. All young people will be supported and encouraged to travel independently to school, including public transport, usually from age twelve or when it is assessed as reasonable for them to do so.
- 10.5 The presumption will be that all looked after children over the age of twelve will be able to use public transport, or other appropriate forms of transport, rather than taxis. Taxis and private hire vehicles will only be approved in exceptional circumstances, and only after all other options have been explored.
- 10.6 When a child first becomes looked after, or is subject to care proceedings, Leeds City Council has a commitment to maintaining a child's attendance at their original school where this is judged to be beneficial to the child for reasons of stability and continuity. However, wherever possible, children should transfer to a school local to their placement at the end of care proceedings, or following the move to a more permanent placement. Exceptions to this expectation would include the need to provide continuity for those in Year 6 of primary school, or young people undertaking examination syllabuses (usually in Year 10 and Year 11).
- 10.7 All transport assistance for looked after children will be reviewed on a regular basis, but in any case at least every three months.

## **11 The right of appeal**

11.1 Parents have the right of appeal if support with the cost of home to school transport is refused and they believe:

- (a) the policy has been wrongly applied or
- (b) their child's circumstances are exceptional and warrant support from the Council on a discretionary basis.

11.2 Transport appeals will normally be considered by a panel of senior council officers. Appeal forms and further details of the procedure may be requested from:

Education Transport (Appeals)  
Contracting & Strategic Investment  
Floor 10 West  
Merrion House  
110 Merrion Centre  
Leeds  
LS2 8DT

Note: For additional explanatory notes see appendix 1

## **Appendix 1: additional explanatory notes**

### **Note 1 – Nearest available walking route**

When assessing the distance between a child's permanent home address and a qualifying school, measurements of up to three miles will be made on the basis of the nearest available walking route. Distances of more than three miles will be measured along road routes and will not include any route or parts of routes which would not be passable using a suitable motorised vehicle.

### **Note 2 – Permanent address and moving house**

Entitlement to free transport for children whose parents move house will be reassessed according to Section 1 of this policy. However, free transport may continue to be provided to the original school if the child:

- is in his or her final year (year six) before transfer or
- he or she is following a course of study leading to a major public examination (years ten and eleven inclusive).

Proof of address may be requested in the form of a recent utility or Council Tax bill; a tenancy agreement; evidence of registration on the electoral roll, or other valid evidence

### **Note 3 – Reasonable safety**

Assessments of the comparative safety of a route will involve such factors as the age of the child; the width of any roads travelled along, and the existence of pavements; the volume and speed of traffic travelling along any roads, and whether or not any potential risks might be mitigated if the child were accompanied by an adult.

### **Note 4 – Religion or belief**

A 'belief' must be genuinely held with the parent bearing a heavy burden of showing that it is the real reason for making a particular choice of school. In order to demonstrate such conviction, any application for free travel to a particular faith school will be considered by making reference to the reasons given by the parent on the Common Preference Form (or Transfer Request Form, where applicable) for making that their school of choice. In this respect, the basis of the decision made by the school's governing body to accept the child into the school may be an important factor in determining eligibility to free travel.

For example where parents on qualifying low income have chosen a school because of its single sex-status, free travel will only be granted if it is clear that their beliefs are the overriding motivation for such a choice. This motivation should therefore have been made clear on the Common Preference Form (or Transfer Request Form, where applicable).